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New York

Times Square Tower
7 Times Square
Suite 4300
New York, NY 10036
(212) 899-9960 Tel
(212) 956-1971 Fax

Writer's Direct Dial:

(212) 899-9985

Writer's E-mail:

jreiter@fisherphillips.com

April 11, 2024

Via ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: *Golubovych v. Saks 5th Avenue, Inc.*
Civil Action No. 22-cv-09923 (MKV)

Dear Judge Vyskocil:

We represent Saks & Company LLC ("Defendant" or "Saks")¹ in the above referenced action. We write to request that Plaintiff's letter filed with the Court on April 9, 2024 (ECF Dkt. No. 74) be placed under seal and replaced with the enclosed redacted version, which redacts all discussions of any settlement amounts purportedly offered to her in connection with the parties' failed mediation. We further request the Court order that Plaintiff refrain from disclosing any settlement amounts offered by Defendant in any future filings on the public docket.

Plaintiff has repeatedly filed documents disclosing settlement amounts purportedly offered to her during a confidential mediation. The Court previously granted Defendant's Motion to Seal, in which Defendants requested that the Court strike from the docket, or alternatively, seal letters Plaintiff filed with the Court disclosing settlement amounts discussed in mediation. (ECF Dkt. Nos. 44, 67). In accordance with the Court's Order, ECF Nos. 43, 46 and 52 were placed under seal and replaced with versions that redacted the purported settlement amount. Despite this history, once again, Plaintiff has filed a letter in which she discloses confidential settlement discussions. Accordingly, we request that that ECF Dkt. No. 74 be replaced with the enclosed redacted version.

Defendant further requests the Court order Plaintiff to refrain from further filing on the public docket any documents in which she references any settlement amount purportedly offered to her by Defendant. Plaintiff's repeated filings despite clear instruction from the Court warrant further action to be taken.

On February 14, 2024, the Parties appeared for a status conference before the Court,

¹ Plaintiff improperly names Saks 5th Avenue, Inc. as Defendant in this case.

during which the Court explained to Plaintiff that settlement communications, particularly discussions regarding potential settlement amounts, are confidential and not to be filed on the public docket. The Court directed Defendant to file redacted versions of any letters Plaintiff filed in which she made reference to any settlement amounts purportedly offered to her, redacting any references to settlement amounts purportedly offered to her. Additionally, the Court instructed Defendant to provide Plaintiff with a copy of the redacted versions of these letters before filing. In accordance with the Court's directive, on February 19, 2024, Defendant's counsel sent redacted versions of the three letters Plaintiff previously filed (ECF Dkt. Nos. 43, 46 and 54) to Plaintiff for her review. In response, Plaintiff objected to Defendant's proposed redactions, as further detailed in our February 23, 2024 letter to the Court (ECF Dkt. No. 66). The Court granted Defendant's Motion to Seal on February 25, 2024 (ECF Dkt. No. 67).

Plaintiff continues to flout this Court's instruction that settlement communications, particularly discussions regarding potential settlement amounts, are confidential and not to be filed on the public docket. Accordingly, we request that the Court order the Plaintiff to refrain from filing further communications that disclose settlement discussions or potential settlement amounts.

Respectfully submitted,

s/ Justin W. Reiter

Justin W. Reiter

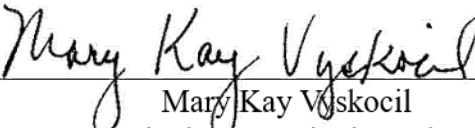
FISHER & PHILLIPS LLP

cc: Laryssa Golubovych (via ECF)

Defendant's request that Plaintiff's letter filed with the Court at ECF No. 74 be placed under seal is GRANTED. Defendant is directed to file the redacted letter on ECF as its own independent filing. The Clerk of Court is directed to seal the entry at ECF No. 74.

As discussed at the February 14, 2024 settlement conference, settlement communications, particularly discussions regarding potential settlement amounts, are confidential and not to be filed on the public docket. See Federal Rule of Evidence 408. Accordingly, IT IS HEREBY FURTHER ORDERED that no further letters may be filed which disclose any settlement discussions or amounts. SO ORDERED.

Date: 4/11/2024
New York, New York


Mary Kay Vyskocil
United States District Judge